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REMARKS

This is in response to the Office Action mailed October 13, 2005. The amendments and remarks presented herein are believed to be fully responsive to the recent Office Action. Accordingly, reconsideration is requested.

Disposition of Claims.

Claims 1-31 and 52-62 are pending in the application. Claims 21-29 are allowed. Claims 7-12, 14-17, 30, 31 and 55 were withdrawn from consideration pursuant to a requirement for a species election mailed September 22, 2004. In the species election, it was set forth that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim. The withdrawn claims are all dependent upon a generic claim which, as will be discussed below, are in a condition for allowance. Accordingly, claims 7-12, 14-17, 30, 31 and 55 should be brought back into the case and further considered.

Claim Rejection – 35 U.S.C. § 103.

Claims 1-6, 13, 18-20, 52-54 and 56-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 6,464,065 issued to Herubel et al. (Herubel). Because it is believed that Herubel does not disclose, teach or suggest the invention as defined in the rejected claims, either individually or in combination with any other reference, the rejection is traversed. However, in order to expedite prosecution, claim 1 is amended as follows:

1. A system for manipulating articles generally traveling in a direction of conveyance comprising:
 - a bed comprising a plurality of conveyor groups, each said conveyor group being generally aligned with each other in the direction of conveyance and each said conveyor group

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comprising a plurality of individual conveyors positioned side-by-side in a direction transverse to the direction of conveyance, said conveyors ~~adapted to~~ at least partially ~~support~~supporting articles traveling thereon and ~~to move~~moving the articles in the direction of conveyance, said individual conveyors comprising belt conveyors;

at least one sensor ~~adapted to determine~~determining the position of the articles traveling over said plurality of conveyor groups; and

a controller in communication with said at least one sensor and said conveyors, said controller ~~adapted to manipulate~~manipulating articles traveling on said bed by controlling the speed of said conveyors, said controller further ~~adapted to rotate~~selectively rotating an article positioned on said bed by controlling the speed of selected ones of the conveyors underneath the article such that at least a first one of said selected ones of said conveyors has a different speed than a second one of said selected conveyors.

In making the rejection, the Office Action recognizes that Herubel does not disclose the rotating of an article. However, the Office Action takes the position that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to perform the function and that Herubel arguably is capable of rotating an article. Without acquiescing in the position taken in the Office Action, claims 1, 52 and 56, which are the independent claims at issue, positively recite that the controller selectively rotates an article by rotating the speed of the conveyor belts. Because Herubel does not disclose, teach or suggest selectively rotating an article, it is submitted that the rejection has been overcome. Withdrawal is requested.

Enclosed is a Third Supplemental Information Disclosure Statement. Consideration is requested as indicated by return of a copy of Forms PTO 1449 initialed by Examiner Hess.

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The amendments are fully supported by the application as filed. Accordingly, no new matter is added. Issuance of a Notice of Allowance is earnestly solicited. If Examiner Hess has any questions or reservations, Examiner Hess is requested to call the undersigned attorney.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn & Burkhart, LLP



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